

Image

03-03-04

1654

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/942,458
		Filing Date	August 29, 2001
		First Named Inventor	Larry A. LAREW
		Art Unit	1654
		Examiner Name	R. Teller
Total Number of Pages in This Submission	9	Attorney Docket Number	342312003801

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (2 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Duplicate copy of Response and associated papers mailed August 22, 2003 (6 pages) 2. Return postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Kimberly A. Bolin - 44,546
Signature	
Date	March 1, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 332778302 US, in an envelope addressed to: Mail Stop DAC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: 3/1/04	Signature: (Tia Zimmerman)



Docket No.: 342312003801
(PATENT)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 332778302 US, in an envelope addressed to: Mail Stop DAC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date: March 01, 2004

Tia B. Zimmerman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Larry A. LAREW et al.

Examiner: R. Teller

Application No.: 09/942,458

Group Art Unit: 1654

Filed: August 29, 2001

Confirmation No.: 7949

For: ECHINOCANDIN/CARBOHYDRATE
COMPLEXES

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181(a)**

Mail Stop DAC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Abandonment dated February 13, 2004 (Part of Paper No. 02102004) was received for the above-referenced patent application. The notice states that the application is abandoned in view of Applicants' failure to timely respond to the Detailed Action dated July 31, 2003 for which a response was due on September 1, 2003. Attached are copies of the Response, postcard, and Express Mail Receipt sent to the U.S. Patent and Trademark Office on August 22, 2003. The Response and Transmittal include Certificates of Mailing by Express Mail, indicating that the Response was deposited with the U.S. Postal Service and mailed by express mail on August 22, 2003. The postcard indicates the Office received the timely filed response as indicated

by the August 22, 2003 OIPE receipt stamp. Accordingly, the response was timely filed.

Applicants hereby request withdrawal of the holding of abandonment.

The Applicants also note that the PAIRS database "File History" index does not include entries for the initial Information Disclosure Statement (IDS) filed September 9, 2002, nor are there entries for the Supplemental IDS's filed on January 3, 2003 and January 15, 2004. Only the Supplemental IDS filed May 15, 2003 appears to have been matched with the file.

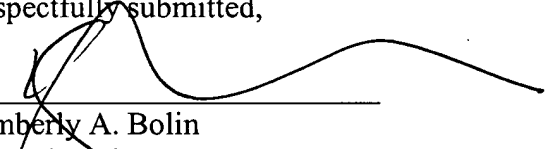
If the above-mentioned IDS, Supplemental IDS, and references cannot be located, the Applicants will submit duplicate copies upon request.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment, to **Deposit Account No. 03-1952** referencing attorney docket no. 342312003801. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March / , 2004

Respectfully submitted,

By 
Kimberly A. Bolin
Registration No.: 44,546
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-5740



COPY

Atty Docket No.: 342312003801

Inventor: Larry A. LAREW, et al.

Application No.: 09/942,458

Filing Date: August 29, 2001

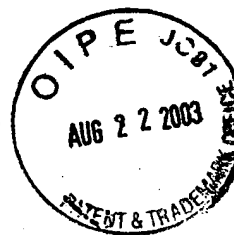
Title: ECHINOCANDIN/CARBOHYDRATE COMPLEXES

Documents Filed:

Transmittal (1 page)

Response to Restriction Requirement (3 pages)

SEP 03 2003
Morrison & Foerster, LLP
Palo Alto



Via: Express Mail: Airbill No. EV 332778965 US

Sender's Initials: KAB10/aac3

DOCKETED
Date: August 22, 2003



EV 332778965 US

Customer Copy

Label 11-F, June 2002

**EXPRESS
MAIL**

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 94306	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date In 8 22 03 Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
Time In 9:30 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 6 lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials Z	Total Postage & Fees \$ 13.65

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		

☐ **NO DELIVERY** (If checked, no delivery attempt will be made. If not checked, delivery attempt will be made.)

CUSTOMER USE ONLY

METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

X940848

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE ()

MORRISON & FUERSTER
755 PAGE MILL RD
PALO ALTO

CA 94304-1018

TO: (PLEASE PRINT)

PHONE ()

MAIL STOP
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

PRESS HARD.

You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com

